

STAYED, TYPE I-FOIA

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:18-cv-01219-TJK**

CENTER FOR BIOLOGICAL DIVERSITY, INC. v. U.S.  
 ENVIRONMENTAL PROTECTION AGENCY  
 Assigned to: Judge Timothy J. Kelly  
 Case: 1:17-cv-00816-TJK  
 Cause: 05:552 Freedom of Information Act

Date Filed: 05/24/2018  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**CENTER FOR BIOLOGICAL  
 DIVERSITY, INC.**

represented by **Margaret E. Townsend**  
 CENTER FOR BIOLOGICAL  
 DIVERSITY  
 P.O. Box 11374  
 Portland, OR 97211  
 (971) 717-6409  
 Fax: (503) 283-5528  
 Email: [mtownsend@biologicaldiversity.org](mailto:mtownsend@biologicaldiversity.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. ENVIRONMENTAL  
 PROTECTION AGENCY**

represented by **Marina Utgoff Braswell**  
 U.S. ATTORNEY'S OFFICE FOR THE  
 DISTRICT OF COLUMBIA  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2561  
 Fax: (202) 252-2599  
 Email: [Marina.Braswell@usdoj.gov](mailto:Marina.Braswell@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 05/24/2018 | <u>1</u> | COMPLAINT against U.S. ENVIRONMENTAL PROTECTION AGENCY ( Filing fee \$ 400 receipt number 0090-5500512) filed by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Attachments: # <u>1</u> Civil Cover Sheet)(Townsend, Margaret) Modified on 5/25/2018 (zrdj). (Entered: 05/24/2018)  |
| 05/24/2018 | <u>2</u> | Corporate Disclosure Statement by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 05/24/2018)  |
| 05/24/2018 | <u>3</u> | NOTICE OF RELATED CASE by CENTER FOR BIOLOGICAL DIVERSITY, INC.. Case related to Case No. 17-cv-816. (Townsend, Margaret) (Entered: 05/24/2018)  |
| 05/24/2018 | <u>4</u> | REQUEST FOR SUMMONS TO ISSUE re <u>1</u> Complaint filed by CENTER FOR BIOLOGICAL DIVERSITY, INC.. Related document: <u>1</u> Complaint filed by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Attachments: # <u>1</u> Summons Environmental Protection Agency, # <u>2</u> Summons U.S. Attorney, # <u>3</u> Summons Attorney General)(Townsend, Margaret) (Entered: 05/24/2018) |
| 05/24/2018 |          | Case Assigned to Judge Timothy J. Kelly. (zmd) (Entered: 05/25/2018)   |
| 05/29/2018 | <u>5</u> | SUMMONS (3) Issued Electronically as to U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 05/29/2018)   |

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| 06/26/2018 | <u>6</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/8/2018. Answer due for ALL FEDERAL DEFENDANTS by 7/8/2018. (Townsend, Margaret) (Entered: 06/26/2018)   |
| 06/26/2018 | <u>7</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 06/11/2018. (Townsend, Margaret) (Entered: 06/26/2018)  |
| 06/26/2018 | <u>8</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. ENVIRONMENTAL PROTECTION AGENCY served on 6/8/2018 (Townsend, Margaret) (Entered: 06/26/2018)  |
| 06/29/2018 | <u>9</u>  | NOTICE of Appearance by Marina Utgoff Braswell on behalf of U.S. ENVIRONMENTAL PROTECTION AGENCY (Braswell, Marina) (Entered: 06/29/2018)  |
| 07/05/2018 | <u>10</u> | Unopposed MOTION for Extension of Time to File Response/Reply to <i>Complaint</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Braswell, Marina) (Entered: 07/05/2018)   |
| 07/05/2018 |           | MINUTE ORDER granting Defendant's <u>10</u> Unopposed Motion for Extension of Time. It is hereby ORDERED, for good cause shown, that Defendant's motion is GRANTED. Defendant shall answer or otherwise respond to Plaintiff's complaint by July 30, 2018. Signed by Judge Timothy J. Kelly on 7/5/2018. (lctjk2) (Entered: 07/05/2018)  |
| 07/25/2018 | <u>11</u> | Joint MOTION to Stay <i>Further Proceedings</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Braswell, Marina) (Entered: 07/25/2018)   |
| 07/26/2018 |           | MINUTE ORDER granting the parties' <u>11</u> Joint Motion to Stay Further Proceedings in Both Cases. It is hereby ORDERED that (1) this case is STAYED until further order of the Court, and (2) the parties shall file a joint status report on the status of settlement negotiations by August 15, 2018. Signed by Judge Timothy J. Kelly on 7/26/2018. (lctjk1) (Entered: 07/26/2018)   |
| 08/15/2018 | <u>12</u> | Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Braswell, Marina) (Entered: 08/15/2018)  |
| 08/16/2018 |           | MINUTE ORDER: In light of the parties' <u>12</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by September 17, 2018. Signed by Judge Timothy J. Kelly on 8/16/2018. (lctjk1) (Entered: 08/16/2018)  |
| 09/17/2018 | <u>13</u> | Joint MOTION for Extension of Time to file <i>Joint Status Report</i> by CENTER FOR BIOLOGICAL DIVERSITY, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Townsend, Margaret) (Entered: 09/17/2018)  |
| 09/19/2018 | <u>14</u> | Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Braswell, Marina) (Entered: 09/19/2018)  |
| 09/20/2018 |           | MINUTE ORDER granting the parties' <u>13</u> Joint Motion for Extension of Time. It is hereby ORDERED, for good cause shown and nunc pro tunc to September 17, 2018, that the parties' motion is GRANTED. Under consideration of the Joint Status Report <u>14</u> filed by the parties on September 19, 2018, it is hereby ORDERED that the parties shall file another joint status report by October 19, 2018. Signed by Judge Timothy J. Kelly on 9/20/2018. (lctjk1) (Entered: 09/20/2018) |
| 10/19/2018 | <u>15</u> | Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 10/19/2018)   |
| 10/23/2018 |           | MINUTE ORDER: In light of the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by November 19, 2018. Signed by Judge Timothy J. Kelly on 10/23/2018. (lctjk2) (Entered: 10/23/2018)  |
| 10/23/2018 |           | Set/Reset Deadlines: Joint Status Report due by 11/19/2018. (kh) (Entered: 10/23/2018)   |
| 11/19/2018 | <u>16</u> | Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 11/19/2018)   |

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| 11/20/2018 |           | MINUTE ORDER: In light of the parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by January 4, 2019. Signed by Judge Timothy J. Kelly on 11/20/2018. (lctjk2) (Entered: 11/20/2018)   |
| 01/29/2019 |           | MINUTE ORDER: Per the Court's Minute Order of November 20, 2018, the parties were instructed to file a joint status report by January 4, 2019. The parties did not do so. Accordingly, it is hereby ORDERED that the parties shall file a joint status report, including an explanation as to why the parties could not comply with the Court's order nor seek an extension, no later than February 19, 2019. Signed by Judge Timothy J. Kelly on 1/29/2019. (lctjk2) (Entered: 01/29/2019) |
| 02/15/2019 | <u>17</u> | Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 02/15/2019)  |
| 02/15/2019 |           | MINUTE ORDER: In light of the parties' <u>17</u> Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report by April 5, 2019. Signed by Judge Timothy J. Kelly on 2/15/2019. (lctjk1) (Entered: 02/15/2019)  |
| 04/05/2019 | <u>18</u> | Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 04/05/2019)  |
| 04/08/2019 |           | MINUTE ORDER: In light of the parties' <u>18</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by May 3, 2019. Signed by Judge Timothy J. Kelly on 4/8/2019. (lctjk2) (Entered: 04/08/2019)   |
| 05/01/2019 | <u>19</u> | Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 05/01/2019)  |
| 05/02/2019 |           | MINUTE ORDER: In light of the parties' <u>19</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by June 17, 2019, unless a stipulation of dismissal is filed before then. Signed by Judge Timothy J. Kelly on 5/2/2019. (lctjk2) (Entered: 05/02/2019)   |
| 06/14/2019 | <u>20</u> | Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 06/14/2019)  |
| 06/17/2019 |           | MINUTE ORDER: In light of the parties' <u>20</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by July 23, 2019, unless a stipulation of dismissal is filed before then. Signed by Judge Timothy J. Kelly on 6/17/2019. (lctjk2) (Entered: 06/17/2019)  |
| 07/23/2019 | <u>21</u> | Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 07/23/2019)  |
| 07/24/2019 |           | MINUTE ORDER: In light of the parties' <u>21</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by August 23, 2019, unless a stipulation of dismissal is filed before then. Signed by Judge Timothy J. Kelly on 7/24/2019. (lctjk2) (Entered: 07/24/2019)  |
| 08/23/2019 | <u>22</u> | Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 08/23/2019)  |
| 08/26/2019 |           | MINUTE ORDER: Upon consideration of the parties' <u>22</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by October 8, 2019, unless a stipulation of dismissal is filed before then. Signed by Judge Timothy J. Kelly on 8/26/2019. (lctjk2) (Entered: 08/26/2019)  |